

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

CLOVIS DANIEL MORTON

PLAINTIFF

VS.

CIVIL ACTION NO.: 1:21cv166-GHD-DAS

WAL-MART STORES, INC.

DEFENDANT

NOTICE OF REMOVAL

TO: Gregory D. Keenum
GREGORY D. KEENUM, P.A.
219 West College Street
Booneville, Mississippi 38829

ATTORNEY FOR PLAINTIFF

Crystal Starling
Post Office Box 430
Corinth, Mississippi 38835-0430

ALCORN COUNTY CIRCUIT CLERK

Pursuant to 28 U.S.C. §§1332, 1441, and 1446, WAL-MART STORES, INC. (hereinafter referred to as “Walmart” or “Defendant”) hereby removes the above-styled action, *Clovis Daniel Morton v. Wal-Mart Stores, Inc., et al.*; No. CV2021-235CMA, from the Circuit Court of Alcorn County, Mississippi, to the United States District Court for the Northern District of Mississippi, Aberdeen Division. Removing Defendant respectfully states unto the Court the following:

1.

In his Complaint, filed in this action, a copy of which is attached as Exhibit “A,” Plaintiff Clovis Daniel Morton seeks to recover damages based on negligence after an alleged fall in a Walmart store located in Corinth, Mississippi. The Complaint was filed on September 14, 2021.

2.

The Circuit Court of Alcorn County, Mississippi is within the United States District Court for the Northern District of Mississippi, Aberdeen Division, to which this action is removable.

3.

On the face of the Complaint, complete diversity exists between the parties to this action. As the complaint states, the Plaintiff is an adult resident citizen of Mississippi. *See*, Exhibit “A,” at p. 1. Removing Defendant, Walmart is incorporated in the State of Delaware, with a principal place of business in the State of Arkansas.

4.

Based upon Plaintiff’s Complaint, the amount in controversy exclusive of interest and costs in this action exceeds the jurisdictional requirement of \$75,000. *See*, Exhibit “A,” at p. 4. *See also*, 28 U.S.C. §1332.

5.

By filing this Notice of Removal, Defendant does not waive any defenses and expressly reserves all available defenses.

6.

Pursuant to 28 U.S.C. §1446(d), a copy of this notice of removal is being filed forthwith with the Circuit Court of Alcorn County, Mississippi and is being provided to counsel for Plaintiff.

7.

Pursuant to the Uniform Local Rules, Rule 5(b), a complete copy of the entire state court record will be filed not later than fourteen (14) days after the date of this removal.

WHEREFORE, this matter, filed in the Circuit Court of Alcorn County, Mississippi is hereby removed to this Court, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

RESPECTFULLY SUBMITTED, this the 3rd day of November, 2021.

//s// Jennifer M. Studebaker

JENNIFER M. STUDEBAKER (MSB #10433)

SIMINE BAZYARI REED (MSB #101259)

VERNON M. MCFARLAND (#103665)

ATTORNEYS FOR WAL-MART STORES, INC.

OF COUNSEL:

FORMAN WATKINS & KRUTZ LLP

210 East Capitol Street, Suite 2200

Jackson, Mississippi 39201-2375

Telephone: (601) 960-8600

Facsimile: (601) 960-8613

CERTIFICATE OF SERVICE

I, the undersigned attorney, on behalf of Defendant WAL-MART STORES, INC. do hereby certify that I have served by United States mail, postage prepaid, a true and correct copy of the above and foregoing document to Plaintiff's Counsel of Record at his usual business address:

Gregory D. Keenum
GREGORY D. KEENUM, P.A.
219 West College Street
Booneville, Mississippi 38829

ATTORNEY FOR PLAINTIFF

This the 3rd day of November, 2021.

//s// Jennifer M. Studebaker
JENNIFER M. STUDEBAKER (MSB #10433)